

REMARKS

Claims 1-4, 6, 7, 9-14, 16, 17, and 19-24 are pending. By this Amendment, claims 1 and 11 are amended, claims 5, 8, 15 and 18 are canceled without prejudice to or disclaimer of the subject matter recited therein, and claims 21-24 are added. No new matter is added. Reconsideration in view of the foregoing amendments and the following remarks is respectfully requested.

Applicant appreciates the courtesies shown to Applicant's representatives by Examiners Harbeck and Sough in the January 17 personal interview. Applicant's separate record of the substance of the interview is incorporated into the following remarks.

The Office Action rejects claims 1-20 under 35 U.S.C. §102(e) over U.S. Patent Application Publication No. 2002/0198803 A1 to Rowe. This rejection is respectfully traversed.

Claim 1 is amended to recite, *inter alia*, depositing value as principal corresponding to a consumed item of a supplier and accruing earned value based on the principal and a rate. As discussed during the interview, this method is similar to a bank system with the exception that the principal is a value corresponding to already consumed items or services, as opposed to currency, as described in the specification at, for example, page 1, paragraph [0003]. Moreover, as discussed in the specification at, for example, page 3, paragraph [0010], the recited method allows the value to accumulate (accrue) over time. Claim 1 is amended to increase the clarity, and the amendment is not intended to change the scope of the claim. Therefore, the amendment is non-narrowing and does not affect the patentability of claim 1.

The Office Action alleges that paragraphs [0010]-[0013] of Rowe teach this feature. In particular, during the interview, the Examiners explained that 2% cash back corresponds to the recited features. However, the identified section teaches an ordinary rebate or reward program for a credit card. As discussed during the interview, ordinary rebate and reward

programs, including the 2% cash back program described in the identified section, do not accrue the earned value based on the principal and a rate over time. Instead, such programs provide a one-time rebate/reward and do not accrue the earned value.

Thus, as generally agreed during the interview, Applicant respectfully submits that claim 1 is patentably distinct from the applied art.

System claim 11 recites a controller storing in a memory a value as principal corresponding to a consumed item of a supplier and stores an earned value in the memory based on the principal and a rate. Similar to claim 1, claim 11 is amended to increase the clarity, and the amendment is not intended to change the scope of the claim. Therefore, the amendment is non-narrowing and does not affect the patentability of claim 11. As discussed above, the applied art does not teach or suggest these features. Thus, claim 11 is patentably distinct from the applied art.

Claims 2-4, 6-7, 9-10, 12-14, 16-17 and 19-20 are allowable at least for their dependence on allowable base claims, as well as for the additional features they recite.

For example, claims 10 and 20 recite that the principal comprises one or a combination of two or more of value corresponding to consumed items, a number of times purchases were made, a number of times a supplier was visited, a value for consumed items based on a table of values corresponding to items, and a value corresponding to an amount spent during a period of time.

The Office Action alleges that Rowe teaches these features at paragraphs [0010]-[0013]. However, Rowe does not specifically teach or suggest these features. For instance, Rowe teaches 2% cash back. However, such 2% cash back is based on the amount of money spent on a purchase using a specific credit card. The amount of money is not based on any of the features recited in claim 10 or 20.

Accordingly, Applicant respectfully requests withdrawal of the rejection.

New dependent claims 21-24 are added. Claims 21 and 23 each recite that the accrued earned value is reduced based on a predetermined condition. Claims 22 and 24 each recite that the predetermined condition includes one or more of if a consumer of the account does not consume a predetermined amount of the consumable item, and if a consumable item from another supplier is consumed. These features are described in the specification at, for example, paragraph [0019] and are not taught or suggested by the applied art.

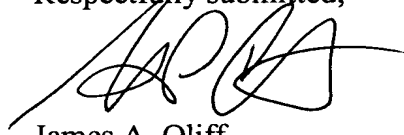
Claims 21-24 are allowable at least for their dependence on their base claims, as well as for the additional features they recite.

At least for these reasons, Applicants respectfully request withdrawal of the rejection.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-4, 6, 7, 9-14, 16-17 and 19-24 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Stephen P. Catlin
Registration No. 36,101

JAO:KXH

Date: January 20, 2006

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

| |
|--|
| <p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p> |
|--|